

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN SECTION

C. A. No. 04-10052MLW

ALMO MUSIC CORPORATION ET AL.,
Plaintiffs,

v.

MEAGAN CORPORATION,
Defendant.

**PLAINTIFFS' MOTION FOR AN
ASSESSMENT OF DAMAGES**

Plaintiffs in the above-entitled action hereby say that service was effected upon Defendant on January 22, 2004; on or about February 13, 2004, a non-attorney filed an answer on behalf of the Defendant; on or about February 25, 2004, Plaintiffs filed a motion to strike Defendant's answer as the individual who filed the answer was not an attorney; on May 3, 2004, the answer was stricken and Defendant was ordered to cause an attorney to appear on its behalf on or before May 24, 2004; on or about June 3, 2004, Plaintiffs requested that a notice of default be entered for Defendant's failure to obey the Court's May 3, 2004 order; on August 6, 2004, notice of default was entered; and Defendant has continued to fail to obey the Court's May 3, 2004 order. Accordingly, Plaintiffs hereby move this Court to assess damages against Defendant for its willful infringing conduct as follows:

1. Statutory damages in the amount of \$4,000.00 on each of the three counts of copyright infringement pleaded in the complaint for total statutory


damages of \$12,000.00, pursuant to 17 U.S.C. §504 and in accordance with the allegations contained in the complaint as more particularly shown by the Declaration of Dianne Ussery, which is attached hereto as Exhibit "A."

2. Attorneys' fees pursuant to 17 U.S.C. §505 in the suggested amount of \$2,500.00, as shown by the Declaration of the undersigned counsel, which is attached hereto as Exhibit "B."

The total amount to be assessed in accordance with the above is \$14,500.00, plus costs and interest.

By their attorneys,

HOLLAND & KNIGHT LLP

By: 
Stephen S. Young
BBO #058040
10 St. James Avenue
Boston, MA 02116
(617) 523-2700

Dated: September 14, 2004

CERTIFICATE OF SERVICE

I, Stephen S. Young, hereby certify that on the 14th day of September, 2004, I served a copy of the Plaintiffs' Motion for an Assessment of Damages upon the defendant by mailing a copy thereof, postage prepaid, addressed to: Meagan Corporation, #1 Factory Outlet Mall Road, Sagamore, MA 02561.

Signed under the pains and penalties of perjury.


Stephen S. Young